



# U.S. DEPARTMENT of STATE

## Estonia

### Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 28, 2005

Estonia is a constitutional parliamentary democracy with a unicameral legislature (Parliament), a prime minister as head of government, and a president as head of state. Free and fair parliamentary elections were held in March 2003. A coalition government, comprised of the Res Publica, Reform, and People's Union Parties, took office in April 2003. The judiciary is independent.

The police, security police, tax and customs board, and national border guard have responsibility for law enforcement and maintenance of order. The police, security police, and national border guard are subordinate to the Ministry of Internal Affairs. The tax and customs board is subordinate to the Ministry of Finance. Corrections personnel are subordinate to the Ministry of Justice. The civilian authorities maintained effective control of the security forces. Police and corrections personnel committed isolated human rights abuses.

The country has a market economy and a population of approximately 1.4 million. Services, particularly financial, transit, and tourism, have grown in importance compared to the historically more prominent light industry and food production. In the year's third quarter, the growth rate was 6.2 percent, compared with 5.1 percent in 2003. While wages and benefits kept up with inflation, there was growing disparity between Tallinn (where one third of the population resides) and the slower growing rural southeast and industrial northeast.

The Government generally respected the human rights of citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were some reports of police mistreatment of prisoners and detainees and the use of excessive force. Prison conditions remained poor, although there were some improvements, including renovations in facilities nationwide.

## RESPECT FOR HUMAN RIGHTS

### Section 1

Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading

#### Treatment or Punishment

The law prohibits such practices; however, there were some reports of police use of excessive force and verbal abuse during the arrest and questioning of suspects: In August, three suspects were abused upon arrest; in October, a minor accused a police officer of violence. Investigations in both cases were pending at year's end.

In 2003, charges were brought against two police officers for use of excessive force. In January, two former police officers were found guilty of using excessive force in 2001.

Prison conditions remained poor. Overcrowding continued in the major prisons for men. A lack of funds and trained staff

continued to be serious problems, despite efforts by the country's Chancellor-Ombudsman to address the issue. The percentage of prisoners suffering from tuberculosis was much higher than in the general population.

One inmate was killed by a fellow prisoner during the year.

The Government continued renovating and restructuring the country's prisons. Living quarters at Murru prison were renovated, and modest gains in personnel retention and recruitment as well as in work and study opportunities for prisoners continued.

Men and women were held separately; juveniles also were held in separate penal facilities. Pretrial detainees and convicted prisoners were held in the same prisons but in different sections.

The Government permitted prison visits by independent human rights observers. The last such visit occurred in 2003 when the Council of Europe Human Rights Commissioner visited Maardu prison.

#### d. Arbitrary Arrest or Detention

The Constitution and laws prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

The police, with an ethnically mixed police officer staff of 3,800, are under the supervision of the Ministry of Internal Affairs. There are four national police units: The Central Criminal Police, the Personal Protection Service, the Forensic Service Center, and the Police School. A police reform effort aimed to increase the effectiveness of the police forces and to cut the number of regional police prefectures; the Government reduced the number from 17 to 4. Corruption, mostly reported among the traffic police, was generally not a problem.

Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. There is a functioning bail system. A person may be held for 48 hours without being charged formally; further detention requires a court order. Police rarely violated these limits. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary operates through a three tier court system: Rural and city courts, district courts, and the Supreme Court. The district courts and Supreme Court are also courts for "constitutional supervision." The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or

##### Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

#### Section 2

##### Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. Translation may be provided into other languages.

The independent media were active and expressed a wide variety of views without government restriction.

There were two commercial Estonian language television channels and a wide range of private radio stations. State (public) broadcast media, including one nationwide television channel (Estonian Television ETV), continued to receive large government subsidies.

Eesti Meedia Group (which holds all the shares of Postimees daily, the leading daily, and half of the shares of SL Õhtuleht, the top circulation tabloid, and owns a private television channel Kanal 2 and Tartu Raadio) had the largest share of the radio market. Independent Eesti Meedia and Ekspress Group competed with one another, as well as with a number of smaller, independent media.

Some Russian language programs, mostly produced domestically, were broadcast over state and private television channels; however, in proportion to the size of the Russian speaking minority in the country, the amount of Russian language programming remained small. Russian state television and Russian commercial channels were available widely via cable.

The Government did not restrict access to the Internet.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The authorities had wide discretion to prohibit public gatherings on public safety grounds but seldom did so. Noncitizens are prohibited from joining political parties, although they may form social groups (See Section 3).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law requires all religious organizations to have at least 12 members and to be registered with the Department for Religious Affairs of the Ministry of Internal Affairs. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

The Estonian Evangelical Lutheran Church is the largest denomination with approximately 170,000 members, the Estonian Apostolic Orthodox Church had approximately 18,000 members, and the Estonian Orthodox Church subordinate to Moscow Patriarchy had approximately 150,000 members. Relations between the various religious communities generally were amicable; however, differences over the disposition of Orthodox Church property continued between the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church.

Three graveyards were vandalized during the year. In April, eight plaques and a bronze bust were destroyed in Tartu Raadi cemetery; in May, unknown hooligans vandalized several plaques, crosses, and lanterns in Viljandi cemetery; in July, vandals broke eight granite crosses and damaged several others in a German war cemetery in Tallinn. Authorities initiated misdemeanor proceedings in the three cases.

The Government took steps to promote antibias and tolerance education, including continued work by the International Commission for Investigation of Crimes Against Humanity, a full report on the German and Soviet occupations of the country. Other steps taken by the Government to promote tolerance included observance of an annual Holocaust Remembrance Day, first commemorated on January 27, 2003. In December, the country was accepted as a liaison member of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research.

A court case regarding anti-Semitic comments made over the Internet was pending at year's end (See Section 5, National/Racial/Ethnic Minorities).

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Government did not restrict the right of noncitizen residents persons who are citizens of another country or stateless persons to foreign travel, emigration, or repatriation, although some noncitizens complained of delays in obtaining travel documents.

The Constitution prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution; however, during the year no applicants qualified for protection. During the year, the Government did not provide asylum for refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

## Section 3

## Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In March, the country acceded to NATO, and, in May, to the European Union (EU). Parliamentary elections, last held in March 2003, led to the formation of a three party coalition government comprised of the Res Publica, Reform, and People's Union parties. Only citizens may vote in parliamentary elections and be members of political parties. However, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election may vote in local elections, although they may not run for office.

The Public Information Act enables the public to access government information and allows for monitoring of the public sector's performance. The Government provided access for citizens in practice.

There were 18 women in the 101 seat Parliament. Two of the 13 cabinet ministers were women.

There were 8 members of minorities in the 101-seat Parliament.

## Section 4 Governmental Attitude Regarding International and

## Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. A nongovernmental legal information center in Tallinn provided free legal assistance to individuals citizen and noncitizen alike seeking advice on human rights related issues.

The Human Rights Institute, which received a small amount of funding from the Government, monitored human rights and provided information to the international community. It investigated reports of human rights violations, such as allegations of police abuse and the inhumane treatment of detainees. The Institute operated an information center in Johvi, in the northeastern part of the country where the Russian speaking community is in the majority.

A presidentially established roundtable composed of representatives of the Parliament, the Union of Estonian National Minorities, and the Russian speaking population's Representative Assembly discussed and made recommendations on social integration issues, as did an analogous but independent roundtable that met monthly. The Chancellor Ombudsman, who also operated a branch office in the heavily ethnic Russian northeastern town of Narva, handled complaints by private citizens against state institutions.

All residents, whether or not they were citizens, could file a complaint directly to the Chancellor-Ombudsman about alleged violations of human or constitutional rights. Complaints against government agencies, officials, and local authorities concerned property reform and restitution, education, transportation, court findings, and the right to employment, as well as social and housing rights. If the Chancellor-Ombudsman finds that particular legislation is in conflict with the Constitution, the body responsible for passage of the said legislation may be required to bring it into conformity with the Constitution within 20 days. The Ombudsman generally acted on cases by proposing changes in legislation and developing proposals to eliminate violations of law.

## Section 5

## Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination for any reason, and the Government generally enforced it.

## Women

Violence against women, including spousal abuse, reportedly was common and continued to be the subject of discussion and media coverage. Domestic violence and rape, including spousal rape, were illegal and prosecuted under the law.

During the year, there were reports of 108 rapes and 13 attempted rapes. However, studies showed that 30 percent of domestic violence went unreported. Even when the police were called, the abused spouse often declined to press charges due to societal pressure.

Prostitution was not illegal and was common.

There were reports that women were trafficked for purposes of sexual exploitation (see Section 5, Trafficking).

In April, Parliament passed the Gender Equality Act under which sexual harassment is defined. Disputes are resolved in court or by the Chancellor-Ombudsman. An injured party may demand compensation for damage and termination of the harmful activity.

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay was generally lower, and there continued to be female and male dominated professions.

#### Children

The Government was committed to children's rights and welfare.

Under the law, school attendance is mandatory from the age of 7 until students complete basic education, generally 9 years total, or until they reach 17 years of age. Education is free. Approximately 97 percent of those eligible attended school. The Government provided free medical care for children and subsidized school meals.

The reduction of the school class size during the year and the introduction of teacher child conferences were among steps taken by the Ministry of Education to address violence in the schools.

During the year, there were reports of 66 rapes and 4 attempted rapes committed against minors. The police registered 84 cases of sexual abuse committed against persons less than 18 years of age, including 52 cases involving victims below the age of 14. There were reports of children engaged in prostitution. Trafficking of children for sexual exploitation was a problem (see Section 5, Trafficking).

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that the country was a source, transit point, and destination for trafficked women and children.

Although there is no specific law criminalizing trafficking, traffickers can be prosecuted under the law prohibiting enslaving and abduction. The maximum penalty is 12 years' imprisonment. As of September, 1 trafficking case was pending in court, and multiple investigations of 20 individuals on trafficking related charges were underway.

Women were trafficked from the country to Nordic countries and Western Europe. Preliminary data from the latest International Organization for Migration (IOM) study indicated that, between 2001 and the first half of the year, there were less than 100 known trafficking victims. This figure includes women trafficked abroad from the country as well as domestically. The study included data from 167 sources, including government agencies, the IOM, and NGOs.

Job advertisements placed in local newspapers to recruit women for trafficking purposes were in some cases reportedly associated with international prostitution rings.

Legislation provides protection and legal, medical, and compensation rights to victims of all crimes, including trafficking. The Government assigned a special police officer to investigate trafficking cases. Social workers and teachers were trained to identify and assist victims, although efforts were not always well coordinated.

The Government participated in the work of the Nordic and Baltic Task Force on trafficking in persons.

The Ministries of Interior, of Social Affairs, of Foreign Affairs, and of Justice are responsible for combating trafficking.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities; older buildings were inaccessible in practice, although new or renovated buildings were generally accessible. The Government reorganized the system of social benefits and provided rehabilitation support for persons with disabilities; overall, improvements were made in opportunities for persons with disabilities. The Ministry of Social Affairs was responsible for protecting the rights of persons with disabilities. The scope of the Ministry's responsibilities included the drafting and implementation of plans to resolve social issues; the management of public health protection and medical care, employment, the labor market and working environment, social security, social insurance and social welfare; promotion of the equality of men and women and coordination of activities in this field; and the preparation of corresponding draft legislation.

#### National/Racial/Ethnic Minorities

Non-Estonians, predominantly ethnic Russians, made up approximately one-third of the total population. About 40 percent of non-

Estonian residents were born in the country.

A court case regarding discrimination against minorities was pending at year's end. According to the prosecution, this case involved Internet comments by a private citizen that publicly incited hatred and violence and were anti-Semitic.

The Law on Cultural Autonomy provides for the protection of cultures of minority group citizens. Some noncitizens alleged that the law is discriminatory, because it restricts cultural autonomy only to citizens; however, noncitizens may participate fully in ethnic organizations, and the law includes subsidies for cultural organizations. In districts where more than one half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language.

Although the law requiring knowledge of the Estonian language prior to citizenship does not violate international standards, some noncitizen residents, particularly ethnic Russians, continued to allege job and salary discrimination because of it.

The Language Law requires that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must use the Estonian language, with actual proficiency determined through examination. Non Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. A number of prison officials were fired for noncompliance with the language requirement. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the law establishes a requirement of Estonian language proficiency if it is in the public interest.

The language office liberally granted extensions to persons who could explain their inability to demonstrate the requisite competency. An EU assistance program reimbursed 50 percent of fees for Estonian language courses upon successful passing of the language examination; this reimbursement was not limited to public sector employees. The Government reimbursed another 50 percent of the fees to those who successfully passed the Constitution examination, which, in connection with the language examination, comprised the citizenship exam process. Approximately 70 percent of those taking the test pass.

The President's roundtable continued to seek practical solutions to noncitizens' problems. The Government implemented the state integration program action plan for 2004-07, aimed at fostering the integration of the non Estonian speaking population into society. At least 10 NGOs developed and implemented local programs to assist the integration of non Estonians into society.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right for workers to form and join a union or employee association, although some workers found it difficult to exercise this right in practice. Approximately 14 percent of the total workforce belonged to trade unions.

Antiunion discrimination is prohibited by law; however, the Confederation of Estonian Trade Unions (EAKL) reported that antiunion behavior was rife in the private sector. The journalists' union reported antiunion discrimination in the media sector.

### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and collective bargaining, although the practice of collective bargaining has not fully developed. According to leaders of the EAKL, few collective bargaining agreements have been concluded between the management and workers of enterprises. However, the EAKL has concluded framework agreements with the Employers' Confederation, which provide the basis for specific labor agreements, including determining the minimum wage (see Section 6.e.). The EAKL also was involved in developing the labor code, which covers employment contracts, vacation, and occupational safety.

The law provides for the right to strike, and workers exercised this right in practice.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5).

### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 18 years, although children age 15 to 17 may work with the consent of a parent or guardian, and children age 13 to 15 may work with the consent of a parent or guardian and a labor inspector. Children

under age 18 may not perform hazardous or dangerous work. The law limits the hours that children can work and prohibits overtime or night work. The Labor Inspectorate had responsibility for enforcing these laws, and did so in practice.

e. Acceptable Conditions of Work

The Government, after consultations with the EAKL and the Employers' Confederation, sets the minimum wage. The monthly minimum wage of approximately \$197 (2,480 EEK) did not provide a decent standard of living for a worker and family; however, approximately 95 percent of the workforce earned above the minimum wage.

The standard workweek is 40 hours, and there is a mandatory 24 hour rest period per week. Reduced working time is prescribed for minors and for employees who perform underground work, work that poses a health hazard, or work of an otherwise special nature. Work hours, including overtime, may not exceed an average of 48 hours per week. Overtime pay shall not be less than 150 percent of the hourly wage rate of the employee.

According to EAKL sources, legal occupational health and safety standards are satisfactory in theory; however, they were extremely difficult to achieve in practice. The Labor Inspectorate is responsible for enforcement of these standards. The labor unions also had occupational health and safety experts who assisted workers to bring employers into compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and they exercised this right in practice.